

# **EXHIBIT A**

**Subject:** Re: [EXTERNAL] Toth v NYC DOE

**Date:** Wednesday, September 17, 2025 at 3:52:14 PM Eastern Daylight Time

**From:** Vyas, Jaimini (LAW)

**To:** Anton Mikofsky

**CC:** Lindeman, Thomas (LAW)

Counsel,

I am writing to you for the fourth time to work out a briefing schedule. Does the schedule proposed below work for you:

October 28, 2025:	Defendant moves to dismiss
November 28, 2025:	Plaintiff files its opposition
December 16, 2025:	Defendant files its reply

If the above-proposed schedule does not work for you, please pick any date after November 28, 2025 for your opposition. Defendant will file their motion to dismiss 30 days before your deadline to file the opposition and reply 15 days after you file your opposition.

Best,

---

**From:** Vyas, Jaimini (LAW) <[JVyas@law.nyc.gov](mailto:JVyas@law.nyc.gov)>

**Date:** Tuesday, September 16, 2025 at 7:08 PM

**To:** Anton Mikofsky <[antonmikofsky@aol.com](mailto:antonmikofsky@aol.com)>

**Cc:** Lindeman, Thomas (LAW) <[tlindema@law.nyc.gov](mailto:tlindema@law.nyc.gov)>, Toews, Mark (Law) <[mtoews@law.nyc.gov](mailto:mtoews@law.nyc.gov)>, Aroubas, Shlomit (Law) <[saroubas@law.nyc.gov](mailto:saroubas@law.nyc.gov)>

**Subject:** Re: [EXTERNAL] Toth v NYC DOE

Counsel,

Attached are my previous emails proposing a briefing schedule. You have up to 30 days to file your opposition—you do not have 90 days.

October 28, 2025:	Defendant moves to dismiss
November 28, 2025:	Plaintiff files its opposition
December 16, 2025:	Defendant files its reply

Best,

---

**From:** Anton Mikofsky <[antonmikofsky@aol.com](mailto:antonmikofsky@aol.com)>

**Date:** Tuesday, September 16, 2025 at 4:58 PM

**To:** Vyas, Jaimini (LAW) <[JVyas@law.nyc.gov](mailto:JVyas@law.nyc.gov)>

**Subject:** [EXTERNAL] Toth v NYC DOE

**CAUTION! EXTERNAL SENDER.** Never click on links or open attachments if sender is unknown, and never provide

user ID or password. If **suspicious**, report this email by hitting the **Phish Alert Button**. If the button is unavailable or you are on a mobile device, forward as an attachment to [phish@oti.nyc.gov](mailto:phish@oti.nyc.gov).

Dear Sir:

In accordance with the current scheduling order, please advise by what date you can serve & file your Motion, to which I will add time for Opposition up to 90 days, and time for Reply at 2 weeks.

Please get back to me so that we may file tomorrow if possible.

Very truly yours,

Anton J. Mikofsky, Esq.

**Subject:** Re: [EXTERNAL] Activity in Case 1:25-cv-03317-NRM-TAM Toth vs. New York City Department of Education Order  
**Date:** Tuesday, September 16, 2025 at 12:23:40 PM Eastern Daylight Time  
**From:** Vyas, Jaimini (LAW)  
**To:** antonmikofsky@aol.com  
**CC:** Lindeman, Thomas (LAW)  
**Priority:** High

Counsel,

The schedule proposed in my email to you last week no longer works for Defendant. Please advise if the new schedule proposed below works for you.

October 28, 2025:	Defendant moves to dismiss
November 28, 2025:	Plaintiff files its opposition
December 16, 2025:	Defendant files its reply

Please note that the Court has ordered us to propose a briefing schedule by Thursday, September 18, 2025.

Best,

---

**From:** Vyas, Jaimini (LAW) <[JVyas@law.nyc.gov](mailto:JVyas@law.nyc.gov)>  
**Date:** Thursday, September 11, 2025 at 3:20 PM  
**To:** [antonmikofsky@aol.com](mailto:antonmikofsky@aol.com) <[antonmikofsky@aol.com](mailto:antonmikofsky@aol.com)>  
**Cc:** Lindeman, Thomas (LAW) <[tlindema@law.nyc.gov](mailto:tlindema@law.nyc.gov)>  
**Subject:** FW: [EXTERNAL] Activity in Case 1:25-cv-03317-NRM-TAM Toth vs. New York City Department of Education Order

Counsel,

Does the schedule proposed below work for you?

September 22, 2025:	Defendant moves to dismiss
October 13, 2025:	Plaintiff files its opposition
October 27, 2025:	Defendant files its reply

Best,

---

**From:** [ecf\\_bounces@nyed.uscourts.gov](mailto:ecf_bounces@nyed.uscourts.gov) <[ecf\\_bounces@nyed.uscourts.gov](mailto:ecf_bounces@nyed.uscourts.gov)>  
**Date:** Thursday, September 11, 2025 at 12:12 PM  
**To:** [nobody@nyed.uscourts.gov](mailto:nobody@nyed.uscourts.gov) <[nobody@nyed.uscourts.gov](mailto:nobody@nyed.uscourts.gov)>  
**Subject:** [EXTERNAL] Activity in Case 1:25-cv-03317-NRM-TAM Toth vs. New York City Department of Education Order

**CAUTION! EXTERNAL SENDER.** Never click on links or open attachments if sender is unknown, and never provide

user ID or password. If **suspicious**, report this email by hitting the **Phish Alert Button**. If the button is unavailable or you are on a mobile device, forward as an attachment to [phish@oti.nyc.gov](mailto:phish@oti.nyc.gov).

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mailbox is unattended.**

**\*\*\*Additional Security Enhancements Coming Soon\*\*\* For information visit PACER website**

**<https://pacer.uscourts.gov/announcements/2025/06/27/additional-security-enhancements-coming-soon>**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**U.S. District Court**

**Eastern District of New York**

### **Notice of Electronic Filing**

The following transaction was entered on 9/11/2025 at 12:11 PM EDT and filed on 9/11/2025

**Case Name:** Toth vs. New York City Department of Education

**Case Number:** [1:25-cv-03317-NRM-TAM](#)

**Filer:**

**Document Number:** No document attached

#### **Docket Text:**

**ORDER: The Court denies Defendants' [15] request for a Pre-Motion Conference as unnecessary. The parties may proceed to briefing on Defendants' motion to dismiss. The parties are directed to propose a briefing schedule to the Court by September 18, 2025. Ordered by Judge Nina R. Morrison on 9/11/2025. (MM)**

**1:25-cv-03317-NRM-TAM Notice has been electronically mailed to:**

Anton J. Mikofsky [antonmikofsky@aol.com](mailto:antonmikofsky@aol.com), [kimna89@aol.com](mailto:kimna89@aol.com)

Jerry Geza Toth [tothjerry1@gmail.com](mailto:tothjerry1@gmail.com), [tothjg@gmail.com](mailto:tothjg@gmail.com)

Jaimini Ajay Vyas [jvyas@law.nyc.gov](mailto:jvyas@law.nyc.gov)

**1:25-cv-03317-NRM-TAM Notice will not be electronically mailed to:**